

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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| NIKITA PETTIES, <i>et al.</i> |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | Civil Action No. 95-0148 (PLF) |
| |) | |
| THE DISTRICT OF COLUMBIA, <i>et al.</i> |) | |
| |) | |
| Defendants. |) | |

MEMORANDUM OPINION AND ORDER REGARDING FAIRNESS HEARING

On November 9, 2012, the Court entered an Order granting the Motion for Preliminary Approval of Dismissal submitted jointly by plaintiffs' Class Counsel and counsel for the District of Columbia. [Dkt No. 2044]. Before granting a final joint motion to dismiss, which would resolve the claims of the members of the certified class, the Court must determine that such dismissal would be fair to the class. See FED. R. CIV. P. 23(e). Members of the class have been notified of the proposed dismissal and of the basis for the joint motion, namely, that "[t]he parties have agreed that the District of Columbia has met its responsibility to make accurate and timely payments to providers of special education and related services and to provide special education students with safe and effective transportation to and from school." Notice to Class Members at 1 [Dkt. No. 2043-1]. Class members were also informed that objections to the proposed dismissal would be considered by the Court if filed by December 13, 2012. Class members were invited to present any objections they might have at a fairness hearing to be held on December 19, 2012 at 9:30 a.m. in Courtroom 29A of the William B. Bryant Courthouse Annex.

The Court has not received any timely written objections to the proposed dismissal or requests to speak. The Court, in its discretion, will consider late-filed objections or requests to speak received in writing by noon on December 18, 2012.

In light of the foregoing, it is hereby

ORDERED that at the start of the fairness hearing, Class Counsel and government counsel will each make presentations explaining why their client or clients are moving for dismissal of this suit, and briefly explaining their proposal regarding the use of funds deposited in the Court Registry [Dkt. No. 2055] and the joint motion for attorneys' fees [Dkt. No. 2057]; it is

FURTHER ORDERED that Supervising Court Master David Gilmore and Special Master Elise Baach each may make a short presentation explaining their views on the proposed dismissal and, with respect to Ms. Baach, the use of funds in the Court Registry; and it is

FURTHER ORDERED that thereafter any additional persons or groups to whom the Court in its discretion grants permission, may present oral objections or comments, to which counsel and/or Mr. Gilmore or Ms. Baach may respond.

SO ORDERED.

DATE: December 14, 2012

/s/ _____
PAUL L. FRIEDMAN
United States District Judge